

# **EXHIBIT 18**

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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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## Highly Confidential - Attorneys' Eyes Only

<p>1 Q. BY MR. JACOBS: Have you read this?</p> <p>2 A. Almost done.</p> <p>3 Q. This is -- 215 is an email string between you</p> <p>4 and Josh Bloch -- sorry -- and Jesse Wilson.</p> <p>5 A. Uh-huh.</p> <p>6 Q. Dated December 7th, 2009.</p> <p>7 A. Uh-huh.</p> <p>8 Q. You write on December 7, 2009, at 2:26 p.m.:</p> <p>9 "Jesse, ooh, you put your hand into the buzz saw."</p> <p>10 A. Uh-huh.</p> <p>11 Q. "Josh." Why did you write that?</p> <p>12 A. Because he mentioned sort of a verboten</p> <p>13 topic.</p> <p>14 Q. What was the verboten topic?</p> <p>15 A. Using OpenJDK instead of Harmony in Android.</p> <p>16 Q. And why was -- why did you regard that as a</p> <p>17 verboten topic?</p> <p>18 A. Because I'd heard it discussed before and</p> <p>19 quickly the discussions would always end with, you know,</p> <p>20 we can't do that. Our partners can't use GPL code other</p> <p>21 than the Linux kernel itself.</p> <p>22 Q. And when you're referring to "our partners,"</p> <p>23 you mean the handset manufacturers?</p> <p>24 A. I don't know precisely which ones.</p> <p>25 Q. But by "partners" here, you mean?</p> <p style="text-align: right;">Page 206</p>	<p>1 Q. Did you have followup discussions with others</p> <p>2 about whether OpenJDK could be used on Android in the</p> <p>3 wake of this email?</p> <p>4 A. Not that I recall.</p> <p>5 Q. What did you -- you're on the Android team at</p> <p>6 this point; correct?</p> <p>7 A. That was right near the end of my tenure on</p> <p>8 the Android team, and to be honest with you, I don't</p> <p>9 remember precisely what day I moved from the Android team</p> <p>10 to the OPSO team.</p> <p>11 Q. You had participated in discussions in which</p> <p>12 the question had been raised about the partners'</p> <p>13 acceptance of code under the GPL, and you had concluded</p> <p>14 that that was off limits; correct?</p> <p>15 A. It seemed unlikely.</p> <p>16 Q. That was -- and those discussions took place</p> <p>17 while you were part of the Android team?</p> <p>18 A. Probably, yes.</p> <p>19 Q. And Jesse is part -- Jesse Wilson is part of</p> <p>20 the Android team?</p> <p>21 A. Yes.</p> <p>22 Q. What did you conclude when you got this about</p> <p>23 why he didn't know this already, that is, that the GPL</p> <p>24 code would be a problem for the partners?</p> <p>25 MR. PURCELL: Object to the form.</p> <p style="text-align: right;">Page 208</p>
<p>1 A. Android partners, whomever they are.</p> <p>2 Q. And by "Android partners," you mean -- you</p> <p>3 don't mean development partners, you mean users --</p> <p>4 A. I don't know who. I haven't, you know, heard</p> <p>5 it discussed in that level of detail, but some downstream</p> <p>6 Android partners.</p> <p>7 Q. "Downstream" meaning they are recipients of</p> <p>8 Android code?</p> <p>9 A. Yes.</p> <p>10 Q. What -- and remind me of Jesse Wilson's</p> <p>11 relationship to the rest of the Android development</p> <p>12 group.</p> <p>13 A. He was a member of their libraries and</p> <p>14 virtual machine team until yesterday.</p> <p>15 Q. What happened yesterday?</p> <p>16 A. He's moving back to his native Waterloo to</p> <p>17 join a different team at Google.</p> <p>18 Q. Waterloo?</p> <p>19 A. Ontario.</p> <p>20 Q. Did you have followup discussions with him</p> <p>21 about this?</p> <p>22 A. Not that I recall.</p> <p>23 Q. Did you ever talk to him again about this</p> <p>24 email exchange?</p> <p>25 A. Not that I recall.</p> <p style="text-align: right;">Page 207</p>	<p>1 MS. MC GLONE: Object to the form of the</p> <p>2 question.</p> <p>3 THE WITNESS: The thought never crossed my</p> <p>4 mind.</p> <p>5 Q. BY MR. JACOBS: Well, you said --</p> <p>6 A. I didn't think about how he concluded.</p> <p>7 Q. You said you put your hand into the buzz saw,</p> <p>8 meaning he's really stepped into it with this email;</p> <p>9 right?</p> <p>10 A. Not so much, just, you know, hey, this is</p> <p>11 likely to -- you know, this is unlikely to go anywhere</p> <p>12 and might generate some sparks.</p> <p>13 Q. And did it?</p> <p>14 A. No. If this is the end of the thread, it was</p> <p>15 simply ignored.</p> <p>16 Q. And that's your best recollection --</p> <p>17 A. Best recollection, yep.</p> <p>18 Q. Do you agree with him that it will be a long</p> <p>19 time until we meet feature and quality parity with</p> <p>20 OpenJDK?</p> <p>21 A. The "we" that he was talking about was</p> <p>22 Harmony, and in the meantime, Android has run ahead of</p> <p>23 Harmony, you know, in part I guess because they weren't</p> <p>24 accepting contributions from us. Actually, I don't know</p> <p>25 that they aren't accepting any contributions from us. I</p> <p style="text-align: right;">Page 209</p>